IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No. 5988 of 2006
Date of Decision: 14.11.2006

Bhajan Kaur ...Petitioner

Versus

Gurnam Kaur and others ....Respondents

Coram: Hon'ble Mr. Justice Hemant Gupta.

Present: Shri V.K. Sandhir, Advocate, for the petitioner.

JUDGMENT

The challenge in the present revision petition is to the order passed by the learned trial Court on 10.10.2006, whereby an application filed by the petitioner under Order 1 Rule 10 CPC, was dismissed.

The learned trial Court has found that the suit for declaration to the effect that the plaintiff is owner and in possession of ½ share of the land in 77 bighas 2 biswa was filed on 7.8.2003 and on the said date itself, the defendant has executed sale deed in favour of the petitioner and her sister. It has been further found that the sale deed is without any consideration in favour of his daughter. It has also been found that the defendant has given a statement to the effect that the decree dated 3.3.1971 i.e. the subject matter of challenge by the plaintiff be set aside and the plaintiff be declared as owner of the suit land.

The petitioner can not seek impleadment as a defendant in the suit against her father. However, it is open to the petitioner to claim

independent right, if any, on the basis of sale deed dated 7.8.2003 in independent proceedings, but I do not find any ground to interfere in the impunged order passed by the learned trial Court. The said order cannot be said to be suffering from any patent illegality or irregularity, which may warrant interference in revisional jurisdiction.

Hence, the present revision petition is dismissed.

14-11-2006 (HEMANT GUPTA)
ds JUDGE